IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 33224 of 2006(E)

PETITIONER:

P.K.JACOB, SENIOR VETERINARY SURGEON (UNDER ORDERS OF TRASFER) DISTRICT VETERINARY CENTRE, KOLLAM, RESIDING AT PUTHENVEETTIL, `DAYA', THEVALLY NAGAR, KOLLAM.

BY ADV. SRI.KRB.KAIMAL (SR.)
SRI.B.UNNIKRISHNA KAIMAL
SRI.V.MADHUSUDHANAN

RESPONDENTS:
----

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVT. OF KERALA, AGRICULTURE (A.H.E) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF ANIMAL HUSBANDRY, THIRUVANANTHAPURAM.

3. THE DISTRICT ANIMAL HUSBANDRY OFFICER, KOLLAM.

BY GOVERNMENT PLEADER SMT. K.L.LAKSHMI RAVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 33224/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE MEMO OF CHARGES NO. 23848/AHE/2/06/AD DT. 8/11/2006 TO THE PETITIONER BY THE R1.

EXT.P2. COPY OF THE ORDER NO. B.11130/2006/ESTT. DT. 8/12/2006 BY THE R3.

EXT.P3. COPY OF THE GO RT NO. 1653/06/AD DT. 24/11/2006.

EXT.P4. COPY OF THE REGISTRATION CERTIFICATE NO. Q. 944/96.

EXT.P5. COPY OF THE ORDER NO. 1-71/98 A WD DTD. 19/8/98 BY THE ANIMAL WELFARE BOARD OF INDIA.

EXT.P6. COPY OF THE ORDER NO. ROC 4884/05/MIS 2 DT. 24/6/2005 BY THE TDB.

EXT.P7. COPY OF THE PETITION DT. NIL SUBMITTED BY THE PETITIONER TO THE R2.

EXT.P8. COPY OF THE LETTER DT. 17/4/2006 OF THE TEMPLE ADVISORY COMMITTEE OFSREE MAHAGANAPATHY TEMPLE, KOTTARAKKARA TO THE PETITIONER.

EXT.P9. COPY OF THE GO RT NO. 2000/01/AD DT. 11/12/2001.

True copy

tga

K.BALAKRISHNAN NAIR,J.

WP(C)NO.33224 OF 2006-E

Judgment

The petitioner has approached this Court, challenging Exts.P2 and P3 orders. By Ext.P3 order dated 24.11.2006, he has been ordered to be transferred from Kollam to Kannur by the Government. Based on that order, the Deputy Director (Animal Husbandry), District Animal Husbandry Office, Kollam has relieved him by Ext.P2 order dated 08.12.2006. Some time back, the petitioner was served with Ext.P1 charge memo by the Government. The allegations contained in the said charge memo were the following :

> *"1. He has formed a private organisation, 'Daya' by name and amassed wealth under its cover.*
>
> *2. Without the permission of the superior officers, he participated in the procession of the Elephant Squad formed in connection with the festival of Kottarakkara Ganapathi temple on 02.05.2006.*
>
> *3. While participating in the above procession, he was under the influence of liquor.*
>
> *4. He has levied fees for treating the elephants belonging to the Devaswom Board.*
>
> *5. He has acted in violation of Rule 6 of the Government Servants Conduct Rules 1960."*

The petitioner submits, he has already filed his reply to Ext.P1 memo of charges during the pendency of the Writ Petition, within the time limit specified in the said memo. He submits, all the allegations in Ext.P1 are incorrect. Apparently, because of the pendency of Ext.P1 memo of charges, he has been transferred out. Since the allegations in Ext.P1 are unfounded, his transfer is also illegal, it is submitted.

2. I heard the learned Government Pleader appearing for the respondents also. The 1st respondent is directed to finalise the proceedings initiated against the petitioner by issuing Ext.P1, as expeditiously as possible, preferably, within three months from the date of receipt of a copy of this Judgment. If the decision is in favour of the petitioner, he shall be transferred back to Kollam.

The Writ Petition is disposed of as above.

08.06.2007 **K.BALAKRISHNAN NAIR,JUDGE**

sta